

1 William P. Ramey, III (appearance *pro hac vice*)
2 wramey@rameyfirm.com
3 RAMEY LLP
4 5020 Montrose Blvd., Suite 800
5 Houston, Texas 77006
6 Telephone: +1.713.426.3923
7 Facsimile: +1.832.689.9175

8 Susan S.Q. Kalra, Bar No. 167940
9 skalra@rameyfirm.com
10 Ramey LLP
11 5020 Montrose Blvd., Suite 800
12 Houston, Texas 77006
13 (800) 993-7499
14 (832) 900-4941 (facsimile)

15
16 Attorneys for Plaintiff
17 *LAURI VALJAKKA*

18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LAURI VALJAKKA,
Plaintiff,
v.
NETFLIX, INC.,
Defendant.

Case No. 4:22-cv-01490-JST

**REPLY IN SUPPORT OF MOTION FOR
LEAVE TO SUPPLEMENT SUMMARY
JUDGMENT RECORD BASED ON
ARGUMENTS RAISED AT THE
HEARING UNDER RULE 56 (D) AND (E)**

Judge: Hon. Jon S. Tigar
Date: February 15, 2024
Time: 2:00 p.m.

Crtrm: 6 – 2nd Floor

1 **I. INTRODUCTION**

2 Lauri Valjakka (“Valjakka”) files this reply in support of his request to supplement the
 3 summary judgment record, showing the Court Defendant Netflix’s response does not change that
 4 the issue was newly raised at oral argument and therefore this supplement is appropriate.
 5

6 **II. NETFLIX’S RESPONSE DOES NOT ESTABLISH A SUPPLEMENT ON**
 7 **COMITY IS NOT APPROPRIATE**

8 Netflix’s response¹ merely attempts to say the issue of comity was mentioned in a case that
 9 referred to another case.² However, Netflix did not raise the issue raise the *Akazawa* case in its
 10 Motion, only its reply.³ Likewise, both parties cited the case not for a principal of comity but
 11 rather that foreign law can be used to decide ownership of a patent. Neither party briefed comity
 12 or its application in this case. Valjakka moved to supplement the record under Rule 59(e) in the
 13 interests of fairness and substantial justice to address this narrow issue.

14 **III. FURTHER APPEALS OF FINNISH OWNERSHIP**

15 Netflix’s response also fails to refute the fact that the Court in the summary judgment
 16 hearing said that Valjakka should address the issue of ownership in Finnish Courts. Well, Valjakka
 17 is doing that through a filing in the Finnish Market Court. A delay of a few months to obtain a final
 18 ruling from the Finnish Market Court would serve the interests of justice. Netflix will not be
 19 prejudiced as it requested a delay in the trial date and the Court has only recently issued a new
 20 dispositive motion period with a new trial date.⁴

22 **IV. CONCLUSION**

23 Valjakka respectfully requests that the Court grant it leave to file this brief supplement based
 24 on the new case discussed at the hearing.
 25

27

¹ Doc. No. 245.

28 ² *Id.* at 2-3.

³ *Akazawa v. Link New Tech. Int’l, Inc.*, 520 F.3d 1354, 1357 (Fed. Cir. 2008).

⁴ Doc. No. 247.

1
2 Respectfully submitted,
3 **Ramey LLP**

4 */s/ William P. Ramey, III*
5 William P. Ramey, III
6 Texas State Bar No. 24027643
7 5020 Montrose Blvd., Suite 800
8 Houston, Texas 77006
9 (713) 426-3923 (telephone)
10 (832) 900-4941 (fax)
11 wramey@rameyfirm.com

12 *Attorneys for LAURI VALJAKKA*

13 **CERTIFICATE OF SERVICE**

14 Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record
15 who have appeared in this case are being served on this day of December 11, 2023, with a copy of
16 the foregoing via e-mail.

17 */s/William P. Ramey, III*
18 William P. Ramey, III

19
20
21
22
23
24
25
26
27
28